



Administrative Policies and Procedures: 14.25

Subject:	Special Investigations
Authority:	TCA 37-5-105, 37-5-106, 37-1-401 <i>et seq.</i> , 37-1-601 <i>et seq</i>
Standards:	DCS Standards of Practice: 5-201; 5-202; 5-203; 5-401; 5-402
Application:	To All Department of Children's Services Child Protective Services Special Investigations Employees

Policy Statement:

The Department of Children's Services Special Investigations Unit (SIU) shall conduct investigations of allegations of child abuse and neglect that occur while a child is in DCS custody and residing in a DCS or contract agency placement, non-custodial children in licensed day care facilities, unlicensed daycares with four (4) or more children, licensed child care agencies, schools, religious, organizations or youth groups.

Purpose:

The Department of Children's Services is mandated by law to investigate all reports of possible harm to children by parents or caretakers. The caretaker may be someone who is entrusted with the care of the child, such as a teacher, tutor, scout leader, childcare provider, or professional person in a residential care facility. These investigations can be particularly challenging since they may involve large groups of children or a population of children who have special problems or difficulty communicating. SIU will respond quickly and effectively to investigate allegations of child abuse in these complex cases and make every effort to ensure the child's attachment issues and the trauma of placement moves are addressed in the investigative process.

Procedures:

A. Criteria for a special investigation	<p>The SIU reports to the Office of Child Safety and is responsible for conducting investigations involving reports of child abuse and/or neglect in the following situations:</p> <ol style="list-style-type: none">Custodial Children Allegations of child abuse or neglect on children in DCS custody, and allegations against a child in custody who reside in a:<ol style="list-style-type: none">Resource placementLicensed contract agency placementYouth Development CenterGroup HomeEmergency Shelter
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	<p>2. This does not include allegations that occur while a child is on a home visit, a trial home placement, on runaway, or any previous abuse prior to custody.</p> <p>3. Non-Custodial Children</p> <p>Allegations of child abuse or neglect involving children under the supervision or care of an individual or individuals functioning in an official employment or volunteer capacity; such as licensed day care facilities, licensed child care agencies, unlicensed daycare facilities if the facility should be licensed (such as a daycare with more than four (4) children, not including biological children), schools, religious organizations or youth groups. SIU will investigate allegations of child abuse or neglect involving children residing in a foster home regardless if foster, adoptive or biological children.</p> <p>4. DCS Employees</p> <p>Current DCS employees named as alleged perpetrators of child abuse or neglect or alleged perpetrators residing in the home of a DCS employee. At the discretion of the RA, an SIU investigator and legal counsel may be used from another region to conduct the investigation.</p> <p>5. Multiple victims</p> <p>Regional staff may request assistance on macro cases or mega family investigations through the Director of Special Investigations Unit (SIU).</p> <p>6. Employees/volunteers</p> <p>SIU will also conduct investigations into allegations that would affect the alleged perpetrator's employment or volunteer status as it relates to working with children. These allegations must occur within the scope of the alleged perpetrator's employment or volunteer status. This does not include allegations relating to an intact family situation such as an allegation involving biological children.</p>
B. Reporting procedures	In compliance with <i>TCA 37-1-403</i> , any person with knowledge or suspicion of alleged child abuse or neglect will contact DCS Central Intake as soon as possible to report the information. (1-877-237-0004).
C. Assignment of SIU referrals	All reports alleging abuse or neglect that meets the investigative criteria for SIU will be processed through DCS Central Intake. Notifications to the SIU team leader will be made according to Central Intake protocol.
D. Notification procedure at the initiation of an investigation	<p>1. SIU staff will comply with State statutes regarding notifications of Child Protective Investigative Team (CPIT) members and coordination of investigative activities.</p> <p>2. SIU staff will <u>immediately</u> notify the following staff, as appropriate, upon receipt of an investigation involving a DCS employee:</p> <ul style="list-style-type: none"> a) Regional Administrator b) Executive Director of Regional Support

	<ul style="list-style-type: none"> c) Executive Director of Child Safety d) Director of Special Investigations e) YDC Superintendent f) Group Home Director g) Internal Affairs (if applicable) <p>3. Other notifications will be as follows:</p> <ul style="list-style-type: none"> a) The appropriate DCS family service worker (FSW), Team Leader, Team Coordinator or Regional Administrator of an investigation involving a DCS custodial child or DCS foster home must be notified within twenty-four (24) hours of initiating an investigation. All information is confidential and regional staff is prohibited from sharing information about the investigation with the foster parents. b) DCS foster parent(s) advocate (foster parents must have access to a Foster Parent Advocate via the <i>Foster Parent Bill of Rights</i> (TCA 37-2-415 (23) upon request of the foster parent. The advocate will be permitted to be present at all portions of the investigation when the accused foster parent(s) are present. All information received by the advocate therein will remain confidential. c) Private provider administration CPPP and the DCS Division of Foster Care the following business day, of an investigation involving a provider staff member. d) Department of Human Services Day Care Licensing division upon receipt of an investigation involving a licensed day care center. If the referral is received after hours, the notification will occur the following business day. e) School Systems upon initiation of the investigation with the letter of open investigations.
E. Initiating the investigation	<p>The SIU staff will initiate the investigation within the assigned response time according to DCS policy <u>14.3, Screening, Response Priority and Assignment of Child Protective Services Cases</u>. SIU staff will coordinate investigative activities with DCS licensing, DHS, DMHDD and DOH licensing, law enforcement, and others as appropriate and in a timely manner to ensure child safety and well-being. Response times must be documented in TNKIDS. Convening CPIT does meet the response time but it must be documented.</p>
F. Conducting the investigation	<ul style="list-style-type: none"> 1. During the course of an investigation, all children in the resource home, including biological and adopted, will be assessed for safety risks by SIU staff by completing the <i>SIU Child Safety Assessment/Risk Assessment</i>. 2. The victim interview will be conducted using forensic child interviewing techniques. When possible, the interview will take place in a neutral setting (preferably the CAC if possible) that is non-threatening and conducive to building trust and rapport between the child and the interviewer.

	<ol style="list-style-type: none"> 3. Interviews with the alleged perpetrator, siblings, witnesses and collaterals will take place to gather relevant information to the investigation. Information accessible through open or closed DCS case files, TNKIDS, and <i>Social Services Management System</i> (SSMS) will also be considered as relevant to the investigation and made available to the SIU investigator. 4. DCS legal staff will be contacted prior to filing legal petitions and for case consultation as deemed necessary. 5. For DCS custodial children: <ol style="list-style-type: none"> a) SIU and CPIT members will determine who conducts the victim interview and determine at what point in the investigation the victim will be interviewed. b) SIU will notify the FSW, Team Leader or Team Coordinator to request the necessary medical and psychological examinations, referrals for services, and arrange transportation, if needed. c) FSW will inform the biological parents of an investigation involving their child and the status of the child's safety within forty-eight (48) hours of receiving the notification of an investigation from SIU. d) Before a child is moved from the foster home or placement SIU must contact the FSW, Team Leader, Team Coordinator or RA and if at all possible have a Child and Family Team Meeting to discuss the best interest of the child and make a coordinated decision regarding placement. 7. For children not in DCS custody that reside in a licensed facility: SIU will coordinate the notification of the parents or guardians of the child regarding the allegations and any necessary services with a representative from the facility.
G. Safety decisions and responsibilities	<ol style="list-style-type: none"> 1. Based upon interviews and observations, SIU staff will assess the child's immediate needs to ensure safety. Every effort will be made to preserve critical relationships and maintain stability for the child. These decisions will be made in conjunction with DCS supervisory staff and when applicable CPIT, DCS, DCS licensing, Department of Human Services day care licensing, and Department of Mental Health Developmental Disabilities and Department of Health licensing and the Department of Education. 2. Safety concerns and recommendations will be addressed in the following manner: <ol style="list-style-type: none"> a) Custodial children: <ul style="list-style-type: none"> ◆ SIU in coordination with regional staff will determine the safety of the child and make removal decisions based upon the child's best interest/imminent risk. DCS legal staff will be contacted if applicable. ◆ A Child and Family Team Meeting will be conducted if at all possible before moving a child from the current placement; if this is not possible the SIU investigator and the FSW, Team Leader or Team Coordinator will meet and make a coordinated on the best interest and

safety of the child (children)

- ◆ If removal is warranted, regional staff from all regions that have children in the placement of removal will be responsible for securing the child's placement and transportation to the alternate placement.
- ◆ Resource Parent Support will also be responsible for providing pertinent information to all SIU staff.
- ◆ If corrective action is warranted to ensure the child's safety and preserve the resource placement, SIU, the home county case manager, foster parent support case manager, and supervisor will jointly develop a plan to address safety concerns. The foster parent support case manager will be responsible for monitoring the plan for compliance.

b) **Non-custodial children:**

If removal of a child is warranted:

- ◆ SIU will conduct a CFTM before any removal unless it is an emergency removal.
- ◆ SIU investigator will make every effort to prevent removal including but not limited to safety plans, expedited home studies, and other appropriate action as needed to prevent removal and trauma to the child. **Children will only be removed if there is no less drastic alternative.**
- ◆ SIU staff will be responsible for contacting DCS legal and coordinating the efforts to file the petition for custody in the appropriate court.
- ◆ SIU will be responsible for completing all available intake information in TNKIDS and following regional protocol for Child Welfare Benefits.
- ◆ Regional Resource Parent Support staff will be responsible for securing placement for the child.

c) **Day care settings:**

- ◆ SIU will conduct investigations with all licensed daycare centers and centers that have more than four (4) children (centers which should be licensed but are not). This does not include babysitters and this does not include a person's biological children or related children.
- ◆ SIU will conduct joint investigations with DHS licensing staff and information will be conveyed to the DHS day care licensing counselor or supervisor per the DCS/DHS *Memorandum of Understanding*. Information will be shared of the classification decision and will minimally include:
 - i. The classification decision and if indicated, the person(s) responsible for the child abuse or neglect;
 - ii. Recommendations on imminent risk to the child(ren) and any actions deemed appropriate to ensure the safety of the child(ren).

	<p>d) Licensed contract agency:</p> <p>Information will be conveyed to the licensed agency and appropriate licensing specialist or supervisor regarding the outcome of the investigation. Information will be shared within three (3) days of the classification decision and will minimally include:</p> <ul style="list-style-type: none"> ◆ The classification decision and if indicated, the person(s) responsible for the child abuse or neglect; ◆ Recommendations on imminent risk to the child(ren) and necessary corrective actions to ensure the safety of the child(ren). ◆ Recommendations and concerns
H. Completion of investigation and classification	<ol style="list-style-type: none"> 1. The SIU staff will complete the required investigative tasks and documentation within the sixty (60) day timeframe required by law. (Unless there are extenuating circumstances such as legal issues/autopsy reports, etc.) 2. All classification criteria and rational must be documented.
I. Commissioner's Case File Review of Indicated Abuse or Neglect Investigations	<p>SIU will notify the alleged perpetrator by letter if they are indicated of child abuse/neglect. The case worker will send Formal File Review Letter A to the alleged perpetrator along with Attachment A. If the alleged perpetrator returns attachment A to request a case file review, the review and all due process rights and reviews shall be conducted as required by DCS policies <u>14.10, Child Protective Services Commissioner's Case File Review of Indicated Neglect or Abuse Investigations</u> and <u>14.11, Child Protective Services Due Process</u>.</p>
J. Documentation for SIU investigations	<p>SIU Investigators will provide complete, concise documentation that justifies case findings. Investigators will regard case documents as confidential at all times and will document the following in TNKIDS within thirty (30) calendar days:</p> <ol style="list-style-type: none"> 1. Response times; 2. Minimum of two (2) collateral contacts in every case; 3. Interviews: All children in the home must be interviewed, biological, adoptive and custodial children; 4. Observations; 5. Rationale for classification decision; and 6. Recommendations.
K. Notification procedures at the	<ol style="list-style-type: none"> 1. SIU staff will make the following notifications regarding the results of an investigation of the classification decision:

conclusion of an SIU investigation

- a) The District Attorney will be notified within seven (7) business days of the classification decision.
 - b) Juvenile Court Judge will be notified within seven (7) business days of the classification decision.
- 2. Custodial children in foster homes or contract placements:**
- a) FSW, Team Leader, Team Coordinator or RA via email, copying the appropriate Regional Administrator, the Executive Director of Regional Support, the Director of Evaluation and Monitoring, Director of CPPP, the Director of Foster Care and Adoptions and the Executive Director of Child Safety.
 - b) FSW, Team Leader, Team Coordinator or RA will be responsible for notifying the biological or legal parents of the foster child regarding the outcome of the investigation.
 - c) FSW, Team Leader, Team Coordinator or RA will receive a copy of DCS form **(CS-0740), CPS Investigation Summary and Classification** when the case is closed.
 - d) Appropriate internal licensing entity will receive via email the classification decision and any information pertinent to protecting children regarding the investigation.
 - e) Additional concerns and recommendations regarding safety will be relayed to the FSW, Team Leader, Team Coordinator or RA.
 - f) SIU investigator or Team Leader will contact the provider or contract placement and debrief the provider agency the investigation. The debriefing will include recommendations, observations, strengths, and if applicable the due process procedures.
- 3. Custodial children placed in a YDC or Group Home:**
- a) FSW, Team Leader or Team Coordinator via email, copying the appropriate YDC Superintendent, Group Home Director and the Regional Administrator and the Executive Director of Regional Support.
 - b) FSW, Team Leader, Team Coordinator or RA will receive a copy of DCS form **(CS-0740) CPS Investigation Summary and Classification**.
 - c) The YDC Superintendent or Director will receive a copy of form **(CS-0740) CPS Investigation Summary and Classification** if the allegations involve a staff member.
 - d) DCS licensing via e-mail will receive the classification decision and any information pertinent to protecting children.
- 4. DCS Employees:**
- a) Regional administrator;
 - b) Executive Director of Regional Support;
 - c) YDC Superintendent or Group Home Director, and
 - d) Internal Affairs and the Executive Director of Child Safety.

	<p>5. Licensed Agency Employees:</p> <ul style="list-style-type: none"> a) Licensed agency administrator and the Director of Contract Monitoring; b) Serious Incident Review Committee/ Evaluation and Monitoring; c) DCS licensing via email will receive the classification decision and any information pertinent to protecting children information regarding the investigation.
L. Case file reviews	<ul style="list-style-type: none"> 1. SIU Team leaders will review for closure all case files completed within the sixty (60)-day timeframe as required by statute. SIU Team Leaders will assess the quality of the investigations and completeness of the investigation before approving the case for closure. 2. SIU Team Coordinators will review 10% of the cases in their regions on a monthly basis. 3. SIU Teams will conduct peer reviews on a monthly basis including an outside entity to provide for quality. 4. Evaluation and Monitoring reviews all of the Brian A investigations for quality and policy compliance.
M. Data collection	Data will be collected and reported monthly regarding the workload of SIU investigators. The Director of SIU will submit a quarterly report to the Executive Director of Child Safety.
N. SIU records management	<ul style="list-style-type: none"> 1. Closed case files will be labeled confidential and stored under double locks. File destruction will be governed by DCS Policy <u>7.13, Records Disposition Authorization Development and Review Process</u> and Records Disposition Authority (RDA) in compliance with the DCS Office of Records Management. 2. Active case files will be maintained under double locks to comply with COA standards.

Forms:	<p><u>CS-0740, CPS Investigation Summary and Classification</u></p> <p><u>Formal File Review Letter A; Attachment A</u></p> <p><u>Open Notification Letter</u></p> <p><u>CPS-SIU Unfounded Letter</u></p> <p><u>SIU Notification - Initial and Closing</u></p>
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Collateral documents:	<i>SIU Safety/Risk Assessment</i> <i>Foster Parent Bill of Rights</i>
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